Executive Summary – Enforcement Matter – Case No. 51367 BARTON WATER SUPPLY CORPORATION

RN101439172 Docket No. 2015-1510-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Barton WSC, 101 Mount Zion Road near Gordon, Erath County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 29, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$330

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$330 **Total Due to General Revenue:** \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$36 Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 14, 2015 through September 25, 2015

Date(s) of NOE(s): September 25, 2015

Executive Summary – Enforcement Matter – Case No. 51367 BARTON WATER SUPPLY CORPORATION RN101439172 Docket No. 2015-1510-PWS-E

Violation Information

- 1. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM") based on the locational running annual average and failed to provide public notification and submit a copy of the public notification to the Executive Director ("ED") regarding the failure to comply with the MCL for TTHM based on the locational running annual average [30 Tex. Admin. Code §\$ 290.115(f)(1) and 290.122(b)(3)(A) and (f) and Tex. Health & Safety Code § 341.0315(c)].
- 2. Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the ED each quarter by the tenth day of the month following the end of the quarter [30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)].
- 3. Failed to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect routine coliform monitoring samples [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On July 22, 2015, the Respondent submitted the DLQOR for the first quarter of 2015.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the ED;
- ii. Provide public notification regarding the failure to comply with the MCL for TTHM based on the locational running annual average for the second quarter of 2015 and regarding the failure to collect routine coliform monitoring samples for the month of April 2015, and provide a copy of each public notification to the ED; and
- iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 51367 BARTON WATER SUPPLY CORPORATION RN101439172 Docket No. 2015-1510-PWS-E

- c. Within 90 days, begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- d. Within 285 days, submit written certification to demonstrate compliance with c.
- e. Within 365 days, return to compliance with the locational running annual average MCL for TTHM.
- f. Within 380 days, submit written certification to demonstrate compliance with e.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Kingsley Coppinger, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6581; Melissa Cordell, Enforcement Division,

MC 219, (512) 239-2483

TCEQ SEP Coordinator: N/A

Respondent: Larry Angerhofer, President, BARTON WATER SUPPLY

CORPORATION, P.O. Box 272, Gordon, Texas 76453

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) PCW Revision March 26, 2014 Policy Revision 4 (April 2014) Assigned 28-Sep-2015 Screening 2-Oct-2015 **EPA Due** 30-Sep-2015 PCW 2-Oct-2015 RESPONDENT/FACILITY INFORMATION Respondent BARTON WATER SUPPLY CORPORATION Reg. Ent. Ref. No. RN101439172 Major/Minor Source Minor Facility/Site Region 4-Dallas/Fort Worth CASE INFORMATION Enf./Case ID No. 51367 No. of Violations 3 Docket No. 2015-1510-PWS-E Order Type Findings Government/Non-Profit Yes Media Program(s) Public Water Supply Multi-Media Enf. Coordinator Kingsley Coppinger EC's Team Enforcement Team 4 Admin. Penalty \$ Limit Minimum Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$210 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 40.0% Adjustment Subtotals 2, 3, & 7 \$84 Enhancement for four NOVs with same/similar violations and one order Notes containing a denial of liability. Subtotal 4 Culpability 0.0% Enhancement \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 \$0 0.0% Enhancement* **Economic Benefit** Total EB Amounts Capped at the Total EB \$ Amount Estimated Cost of Compliance SUM OF SUBTOTALS 1-7 \$294 Final Subtotal

0.0%

0.0%

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

Reduces or enhances the Final Subtotal by the indicated percentage

STATUTORY LIMIT ADJUSTMENT

Notes

Notes

PAYABLE PENALTY

\$0

\$294

\$330

\$330

\$0

Adjustment

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

Screening Date 2-Oct-2015

Respondent BARTON WATER SUPPLY CORPORATION

Case ID No. 51367

Reg. Ent. Reference No. RN101439172

Media [Statute] Public Water Supply

Enf. Coordinator Kingsley Coppinger

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Compliance History Worksheet

	Written notices of violation ("NOVs") with same or similar violations as those in		Here Adjus
NOVs	the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	. 20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	Ô	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		ase Enter Yes o	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Subtotal 2
	(Subtotal 3)		
N/A	Adjustment Per	centage (Subtotal 3
pliance Hist	ory Person Classification (Subtotal 7)		
Unclass	ified Adjustment Per	centage (S	Subtotal 7
pliance Hist	ory Summary		
Compliance History Notes	Enhancement for four NOVs with same/similar violations and one order containing	ng a denial c	F

Screening Dat	2-Oct-2015 Docket No. 2015-1510-PWS-E	PCW
		Policy Revision 4 (April 2014)
Case ID No	51367 P	CW Revision March 26, 2014
Reg. Ent. Reference No	RN101439172	
	Public Water Supply	
antegro etchologie e e compresensa a la cele la la cala a la cala calabra la compresensa de color de la color d	Kingsley Coppinger	
Violation Number	r <u> 1888 </u>	
Rule Cite(s	30 Tex. Admin. Code §§ 290.115(f)(1) and 290.122(b)(3)(A) and (f) and Tex Health & Safety Code § 341.0315(c)	**************************************
Violation Descriptio	Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligra per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average, and failed to provide public notification and submit a confidence of the public notification to the Executive Director regarding the failure to compute with the MCL for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 2 were 0.086 mg/L for the first quarter 2015, 0.094 mg/L for the second quarter of 2015, and 0.123 mg/L for the thir quarter of 2015, and public notification was due by August 11, 2015 for failure comply with the MCL for TTHM, based on the locational running annual average, the second quarter of 2015, but was not provided.	opy of d
	Base Pena	sity \$1,000
>> Environmental, Prop	erty and Human Health Matrix Harm	
Releas		
OR Actu		
Potenti	Percent 15.0%	
>>Programmatic Matrix	Major Madaysta Minay	
Falsification	Major Moderate Minor Percent 0.0%	
<u> </u>	Percent 0.0%	
Matrix As a result	of the exceedances, persons served by the Facility have been exposed to significant	nt
Notes amount	of contaminants which do not exceed levels that are protective of human health.	
	Adjustment \$	350

		\$150
Violation Events		
Number o	f Violation Events 273 Number of violation days	•
	dally weekly monthly	
mark only one with an x	quarterly Violation Base Pena	lty \$150
with aff x	semiannual Hillipassettiss	
	annual x	
	single event	
	One annual event is recommended.	
Good Faith Efforts to Co		ion \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary	
	Ordinary	
	N/A (mark with x)	
	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Subto	tal \$150
Economic Benefit (EB) fo	or this violation Statutory Limit Test	
Fetim	ited EB Amount \$705 Violation Final Penalty To	tal \$210
Estim	Trotation Final Charty To	7210
	This violation Final Assessed Penalty (adjusted for limi	ts) \$210

	BARTON WAT	ER SUPPLY CORPO	RATION				
Case ID No.	51367						
g. Ent. Reference No.	RN101439172	:					
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
Violation ito.	*					г о	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Mar-2015	31-Mar-2017	2.00	\$33	\$668	\$701
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	14-Sep-2015	1-Apr-2016	0.55	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	11-Aug-2015	1-Apr-2016	10 64	\$1		
Nation for DELAYED costs	method of dis date of cor procedures	infection, calculatempliance. The train to ensure that all	ed from the last ning/sampling o necessary publ	estimal t day ol lelayed ic notifi	ted amount neces: f the first quarter (cost includes the ications are provid	sary to implement a of non-compliance to estimated amount to ed in a timely manning. The #25 other dec.	o the estimated o implement er, calculated
Notes for DELAYED costs	method of dis date of cor procedures from the includes the e notification) is	infection, calculate mpliance. The train to ensure that all record review star estimated amount s provided to perso	ed from the last ning/sampling of necessary publi t date to the es to ensure that ons served by the	estimal t day ol lelayed ic notifi timated the del he Faci due dat	ted amount neces: f the first quarter of cost includes the lications are provided d date of complian linquent public not lity and a copy of the ce of the public not	sary to implement a of non-compliance to estimated amount t	n alternative the estimated implement er, calculated lelayed cost otification x one n is provided to
	method of dis date of cor procedures from the includes the e notification) is the Executi	infection, calculate mpliance. The train to ensure that all record review stare estimated amount s provided to person ive Director, calcul	ed from the last ning/sampling of necessary publict t date to the est to ensure that ons served by the lated from the o	estimal t day of lelayed ic notifi timated the del he Faci due dat compli	ted amount neces: f the first quarter of cost includes the lications are provided d date of complian linquent public not lity and a copy of the public not liance.	sary to implement a of non-compliance to estimated amount to ed in a timely mann ice. The \$25 other do ification (\$25 per no the public notification ification to the estin	n alternative the estimated implement er, calculated lelayed cost otification x one is provided to nated date of
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Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	method of dis date of cor procedures from the includes the e notification) is the Executi	infection, calculate mpliance. The train to ensure that all record review stare estimated amount s provided to person ive Director, calcul	ed from the last ning/sampling of necessary publict t date to the est to ensure that ons served by the lated from the o	estimal t day of lelayed ic notifi timate the del he Faci due dat compli enterii 0.00 0.00 0.00	ted amount neces: f the first quarter of cost includes the lications are provid d date of complian linquent public not lity and a copy of the public not liance. g item (except \$0 \$0 \$0 \$0 \$0	sary to implement a of non-compliance to estimated amount the din a timely mannice. The \$25 other diffication (\$25 per nother public notification to the estimation to the est	n alternative the estimated in implement er, calculated lelayed cost otification x one in is provided to mated date of ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	method of dis date of cor procedures from the includes the e notification) is the Executi	infection, calculate mpliance. The train to ensure that all record review stare estimated amount s provided to person ive Director, calcul	ed from the last ning/sampling of necessary publict t date to the est to ensure that ons served by the lated from the o	estimated to day of the delete the delete the delete the delete the delete the delete the day of th	ted amount neces: f the first quarter of cost includes the lications are provid d date of complian linquent public not lity and a copy of the public not liance. ng item (except \$0 \$0 \$0 \$0	sary to implement a of non-compliance to estimated amount the ed in a timely mannice. The \$25 other diffication (\$25 per not the public notification iffication to the estimate of the estimat	n alternative the estimated implement er, calculated lelayed cost otification x one is provided to nated date of ded costs) \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment	method of dis date of cor procedures from the includes the e notification) is the Executi	infection, calculate mpliance. The train to ensure that all record review stare estimated amount s provided to person ive Director, calcul	ed from the last ning/sampling of necessary publict t date to the est to ensure that ons served by the lated from the o	estimal t day of lelayed ic notifi timate the del he Faci due dat compli enterii 0.00 0.00 0.00	ted amount neces: f the first quarter of cost includes the lications are provided date of complian linquent public not lity and a copy of the of the public not liance. Ingitem (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sary to implement a of non-compliance to estimated amount the dination at timely mannice. The \$25 other diffication (\$25 per not the public notification iffication to the estimate of the est	n alternative the estimated implement er, calculated lelayed cost otification x one n is provided to nated date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	method of dis date of cor procedures from the includes the e notification) is the Executi	infection, calculate mpliance. The train to ensure that all record review stare estimated amount s provided to person ive Director, calcul	ed from the last ning/sampling of necessary publict t date to the est to ensure that ons served by the lated from the o	estimate day of lelayed ic notificational formation in the del he Faci due dat compliante enterial 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ted amount neces: f the first quarter of cost includes the loations are provid d date of complian linquent public not lity and a copy of the le of the public not lance. ng item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sary to implement a of non-compliance to estimated amount the ed in a timely mannice. The \$25 other diffication (\$25 per not the public notification iffication to the estimate of the estimat	n alternative to the estimater in implement er, calculated elayed cost otification x one in is provided to nated date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 2		Docket No. 2015-1510-PWS	*99999999999999
Case ID No. 5	ARTON WATER SUPPLY CORPO 1367	DRATION	Policy Revision 4 (April 201 PCW Revision March 26, 20
Reg. Ent. Reference No. R	N101439172		
Media [Statute] P Enf. Coordinator <u>K</u>	ublic Water Supply		
Violation Number	ingsiey Coppinger		
Rule Cite(s)	30 Tex. Admin	. Code § 290.110(e)(4)(A) and (f)(3)	
	to the Executive Director each	fectant Level Quarterly Operating Repo I quarter by the tenth day of the month uarter for the first quarter of 2015.	
			Base Penalty \$1,00
>> Environmental, Propert	y and Human Health M Harm	atrix	
Release OR Actual	Major Moderate	Minor	
OR Actual Potential		Percent 0.	0%
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
		X Percent 1.	0%
Matrix Notes	Less than 30% of the i	rule requirement was not met.	
		Adjustment	\$990
			\$
			1
liolation Events			
Number of Vic	olation Events 1	90 Number of viola	tion days
	daily		
	weekly		
mark only one	monthly quarterly	Violation	Base Penalty \$
with an x	semiannual		
	annual x		
	single evene X		
	Ope cingle ov		
	One single ev	ent is recommended.	
		ent is recommended.	
Good Faith Efforts to Comp	ly 0.0%	OE/NOV to EDPRP/Settlement Offer	Reduction
22222222222222222222222222222222222222	Before NOE/NOV N		Reduction
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Good Faith Efforts to Comp	Before NOE/NOV N Extraordinary Ordinary N/A x (n	OE/NOV to EDPRP/Settlement Offer	:
1999 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	Before NOE/NOV N Extraordinary Ordinary N/A x (n	OE/NOV to EDPRP/Settlement Offer	:
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22222222222222222222222222222222222222	Before NOE/NOV N Extraordinary Ordinary N/A The Responder	OE/NOV to EDPRP/Settlement Offer mark with x) Int does not meet the good faith criteria this violation.	for
	Before NOE/NOV N Extraordinary Ordinary N/A X (n Notes The Responder	OE/NOV to EDPRP/Settlement Offer nark with x) Int does not meet the good faith criteria this violation. Viola	for tion Subtotal \$1
Economic Benefit (EB) for t	ly 0.0% Before NOE/NOV N Extraordinary	OE/NOV to EDPRP/Settlement Offer nark with x) Int does not meet the good faith criteria this violation. Viola Statutory Li	for tion Subtotal \$1 mit Test
Economic Benefit (EB) for t	Before NOE/NOV N Extraordinary Ordinary N/A X (n Notes The Responder	OE/NOV to EDPRP/Settlement Offer nark with x) Int does not meet the good faith criteria this violation. Viola	for tion Subtotal \$1 mit Test
Economic Benefit (EB) for t	Before NOE/NOV N Extraordinary Ordinary N/A x (n Notes The Responder	OE/NOV to EDPRP/Settlement Offer nark with x) Int does not meet the good faith criteria this violation. Viola Statutory Li	tion Subtotal \$ mit Test Penalty Total \$

Case ID No.		ER SUPPLY CORPO	RATION				
eg. Ent. Reference No.						200000000000000000000000000000000000000	********
	Public Water S	Supply				Percent Interest	Years of
Violation No.	2			ERDORAN REGE			Depreciatio
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delaved Costs							
Equipment		T I		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	14-Sep-2015	1-Apr-2016	0.55	\$1	n/a	\$1
Training/Sampling	\$100	14-Sep-2015	1-Apr-2016	0.55	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
itemediation, bisposai							
Permit Costs				0.00	\$0	n/a	\$0
	the Facilit	y's operational gu	d training/samp idance and con	0.28 ding de duct en	\$0 layed costs includ nployee training to	n/a e the estimated amo o ensure that the se	\$0 ount to update if-reporting
Permit Costs	The record k the Facilit requirement calculated fro includes th	eeping system an cy's operational gu is are properly acc om the record rev e estimated amou	d training/samp idance and con complished, incl ew start date t int to prepare a	0.28 bling de duct en uding to the es	\$0 layed costs includ nployee training to he timely submitte stimated date of c mit DLQORs (\$22 e first quarter of 2	n/a e the estimated amo	\$0 punt to update if-reporting ified DLQORs, ir delayed cost ssed report),
Permit Costs Other (as needed)	The record k the Facilit requirement calculated fro includes th calculated	eeping system an cy's operational gu is are properly acc om the record rev e estimated amou I from the date the	d training/sam; idance and con complished, incl iew start date t int to prepare a report was du	0.28 bling de duct en uding to the es and subi e for th submi	\$0 layed costs includingloyee training to the timely submitte stimated date of comit DLQORs (\$22 e first quarter of atted.	n/a e the estimated amo o ensure that the sel al of signed and cert ompliance. The othe per report x one mis 2015 to the date the for one-time avoic	\$0 punt to update if-reporting ified DLQORs, or delayed cost ssed report), report was led costs)
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	The record k the Facilit requirement calculated fro includes th calculated	eeping system an cy's operational gu is are properly acc om the record rev e estimated amou I from the date the	d training/sam; idance and con complished, incl iew start date t int to prepare a report was du	0.28 bling de duct en uding tl o the es nd subn e for th submi enterir	\$0 layed costs includingloyee training to the timely submitte stimated date of comit DLQORs (\$22 e first quarter of atted. ag item (except \$0 \$0 \$0 \$0 \$0	e the estimated amo pensure that the sell of signed and cert ompliance. The other per report x one missens to the date the for one-time avoic \$0 \$0 \$0	\$0 punt to update if-reporting ified DLQORs, or delayed cost issed report), report was led costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	The record k the Facilit requirement calculated fro includes th calculated	eeping system an cy's operational gu is are properly acc om the record rev e estimated amou I from the date the	d training/sam; idance and con complished, incl iew start date t int to prepare a report was du	0.28 bling de duct en uding ti o the e: nd subn e for th submi enterir 0.00 0.00	\$0 layed costs includingloyee training to the timely submitted stimated date of comit DLQORs (\$22 e first quarter of atted. 19 item (except \$0 \$0 \$0	e the estimated amore consure that the sell of signed and cert ompliance. The other per report x one mis 2015 to the date the for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 punt to update if-reporting ified DLQORs, ir delayed cost ssed report), report was led costs) \$0 \$0 \$0
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Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	The record k the Facilit requirement calculated fro includes th calculated	eeping system an cy's operational gu is are properly acc om the record rev e estimated amou I from the date the	d training/sam; idance and con complished, incl iew start date t int to prepare a report was du	0.28 bling de duct en uding to o the es ind subne enterir 0.00 0.00 0.00	\$0 layed costs including loyee training to the timely submittastimated date of comit DLQORs (\$22 e first quarter of atted. **gitem (except \$0 \$0 \$0 \$0 \$0 \$0	e the estimated amore consure that the sell of signed and cert compliance. The other per report x one mis 2015 to the date the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 punt to update if-reporting ified DLQORs, or delayed cost ssed report), report was ied costs) \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	The record k the Facilit requirement calculated fro includes th calculated	eeping system an cy's operational gu is are properly acc om the record rev e estimated amou I from the date the	d training/sam; idance and con complished, incl iew start date t int to prepare a report was du	0.28 Diling de duct en uding to the en er for the submired properties of the control of the cont	\$0 layed costs including loyee training to the timely submitte stimated date of comit DLQORs (\$22 e first quarter of atted. ag item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e the estimated amoust end of signed and cert ompliance. The other per report x one mis 2015 to the date the for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 punt to update if-reporting ified DLQORs, or delayed cost ssed report), report was led costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0
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Screening Date		PCW
Kesponden Case ID No	BARTON WATER SUPPLY CORPORATION	Policy Revision 4 (April 2014) PCW Revision March 26, 2014
Reg. Ent. Reference No		rew Revision Planeir 20, 2014
	Public Water Supply	
	Kingsley Coppinger	
Violation Numbe Rule Cite(s		
Rule Cite(s	30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)	
	Failed to provide public notification and submit a copy of the public notificatio	n to
Violation Description		ring
	samples for the month of April 2015.	
	Base Pe	nalty \$1,000
		-
>> Environmental, Prope	erty and Human Health Matrix Harm	
Releas	<u> Major Moderate Minor</u>	
OR Actua		
Potentia	Percent 0.0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
L. H. L.	X Percent 5.0%	
	ANUMBER DUMBANI CONTRACTOR	
Matrix Notes	100% of the rule requirement was not met.	
Notes		
	**:	±050]
	Adjustment	\$950
		\$50
Violation Events		
Number of	Violation Events 92 Number of violation days	1
	daily	
	weekly	
mark only one	monthly	<u> </u>
with an x	quarterry Violation Base Pe	naity \$50
	semiannualannual	
	single event x	
	One single event is recommended.	
	One single event is recommended.	
Good Faith Efforts to Cor	nply 0.0% Redu Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	iction \$0
	Extraordinary Extraordinary	
	Ordinary	
	N/A (mark with x)	
•	The Respondent does not meet the good faith criteria for	
	Notes this violation.	
	Violation Sub	total \$50
Economic Benefit (EB) fo	r this violation Statutory Limit Te	s t
Estima	ted EB Amount \$1 Violation Final Penalty	Total \$70
	This violation Final Assessed Penalty (adjusted for li	nits) \$70

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.	BARTON WAT	ER SUPPLY CORPC	4440433433444443333344453				
Reg. Ent. Reference No.		!					
Media	Public Water S	Supply				Percent Interest	Years of
Violation No.	3					reitent mierest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
1111144455556466565646464444444466666666			*****************************	18-20-20-20-20-20-20-20-20-20-20-20-20-20-		-1911/94-1949/94-14-14-14-14-14-1	
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	31-Jul-2015	1-Apr-2016	0.67	\$1	n/a	\$1
Notes for DELAYED costs Avoided Costs	notificatio notification is the estin	n x one notificatio provided to the E nated date of com	n) is provided t xecutive Direct pliance. See als	o perso or, calc o the t	ns served by the I ulated from the du raining/sampling d	nquent public notific facility and a copy of the date of the public elayed cost in Viola for one-time avoic	of the pubilc notification to tion No. 1.
Avoided Costs Disposal	ANITOAL		COSES DETOTE	0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling		1		0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$ 0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$25			TOTAL		\$1

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN600622716, RN101439172, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, CN600622716, BARTON WATER SUPPLY Classification: UNCLASSIFIED

Rating: ----

or Owner/Operator:

CORPORATION

Regulated Entity:

RN101439172, BARTON WSC

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points:

N/A

Repeat Violator: N/A

CH Group:

14 - Other

Location:

101 MOUNT ZION ROAD NEAR GORDON, ERATH COUNTY, TEXAS

TCEQ Region:

REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

WATER LICENSING LICENSE 0720013

0720013

Compliance History Period: September 01, 2010 to August 31, 2015

Agency Decision Requiring Compliance History: Enforcement

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: October 02, 2015

Component Period Selected: October 02, 2010 to October 02, 2015

TCEO Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rachel Bekowies

Phone: (512) 239-2608

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

3) If **YES** for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior

N/A

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator N/A

occur?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

Effective Date: 07/10/2015 1

ADMINORDER 2015-0153-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on October 30, 2014, samples were taken at 1160 Highway 193, 3281 County Road 465 and 31159 North State Highway 108 and measured a total chlorine residual of 0.10 mg/L, 0.00 mg/L, and 0.12 mg/L, respectively; and on November 24, 2014, samples were taken at 1160 Highway 193, 3281 County Road 465 and 31999

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vii)

Description: Failed to maintain water works operation and maintenance records and make them available for review by Commission personnel. Specifically, at the time of the investigation, it was documented that the respondent was not maintaining a record of the amount of chemical used each day and was not maintaining a record of the work perfomed and the number of hours worked by the part-time operator.

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)

Classification: Moderate

Description: Failure to collect routine distribution coliform samples at active service connections which are representative of water quality throughout the distribution system. Specifically, at the time of the investigation, it was documented that routine distribution coliform samples were only collected in two of the five pressure planes.

Classification: Moderate

30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)

Description: Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, it was documented that the Respondent was only monitoring the disinfectant residual in two of the five pressure planes.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1

03/16/2015 (1280885)

CN600622716

Classification:

Citation:

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description:

TTHM LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at

1496 CR 318, Stephenville, TX (DBP2-02).

2

Date:

05/13/2015 (1280885)

CN600622716

Moderate

Moderate

Self Report? NO Citation:

Classification:

Description:

30 TAC Chapter 290, SubChapter F 290.115(f)(1) TTHM LRAA MCL 202015 - During the 2nd guarter of 2015 the system violated

the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L

at 1496 CR 318, Stephenville, TX (DBP2-02).

3

Date: Self Report?

06/26/2015 (1280885)

CN600622716 Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5)

30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required

timeline.

Date:

08/31/2015 (1280885)

CN600622716

Moderate

Self Report? NO

Classification: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Citation: Description:

TTHM LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system violated

the maximum contaminant level for trihalomethanes with a LRAA of 0.123 mg/L

at 1496 CR 318, Stephenville, TX (DBP2-02).

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

TTHM DBP2 MCL PN 2Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level

for trihalomethanes during the 2nd quarter of 2015.

Self Report?

Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

APR/2015 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 04/2015.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 10/2/2010 and 10/2/2015

1 Date: 11/30/2010 (877701)CN600622716 Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(f) Citation: Description: Failure to maintain the public water system's operating records. Classification: Minor For Informational Purposes Only NO Self Report? 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii) Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1) Failure to inspect ground storage tanks annually Description: 2 10/31/2013 (1124070)CN600622716 Date: Minor Classification: For Informational Purposes Only NO Self Report? 30 TAC Chapter 290, SubChapter D 290.46(f) Citation: Description: Failure to maintain the public water system's operating records. Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii) Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1) Description: Failure to inspect ground storage tanks annually Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(II) Citation: Failure to maintain a record of the volume of water treated each day. Description: Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii) Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B) Failure to monitor the disinfectant residual at representative locations in the Description: distribution system at least once per day. Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i) Citation: Failure to verify the accuracy of manual disinfectant residual analyzer at least Description: once every 90 days using chlorine solutions of known concentrations. Classification: Minor For Informational Purposes Only Self Report? NO 30 TAC Chapter 290, SubChapter D 290.43(c)(1) Citation: Description: Failure to equip roof vents with approved screens to prevent entry of animals, birds, insects and heavy air contaminants. Classification: For Informational Purposes Only NO Self Report? 30 TAC Chapter 290, SubChapter D 290.43(c)(2) Citation: Description: Failure to ensure that all roof hatches remain locked. Classification: Moderate For Informational Purposes Only Self Report? Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B) 30 TAC Chapter 290, SubChapter F 290.110(b)(4) Failure to maintain a chloramine residual of at least 0.5 milligrams per liter Description: (mg/L) throughout the distribution system. Classification: Minor For Informational Purposes Only Self Report? 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii) Citation: Failure to provide a total storage capacity of 200 gallons per connection for Description:

Pressure Plane #3.

3

03/18/2014

(1156426)

CN600622716 Classification:

Minor

Minor

Self Report?

NO

For Informational Purposes Only

Citation:

Date:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description:

Failure to inspect ground storage tanks annually

Classification:

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description:

Failure to verify the accuracy of manual disinfectant residual analyzer at least

once every 90 days using chlorine solutions of known concentrations.

Classification:

Self Report?

NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)

Description:

Failure to provide a total storage capacity of 200 gallons per connection for

Pressure Plane #3.

4*

03/16/2015 Date:

(1280885)

CN600622716

Classification: Moderate

Self Report?

NO

For Informational Purposes O

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description:

TTHM LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the

maximum contaminant level for trihalomethanes with a LRAA of 0.086 mg/L at 1496 CR 318, Stephenville, TX (DBP2-02).

5*

Date:

05/13/2015

(1280885)

CN600622716

Classification:

Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description:

TTHM LRAA MCL 202015 - During the 2nd quarter of 2015 the system violated

the maximum contaminant level for trihalomethanes with a LRAA of 0.094 mg/L

at 1496 CR 318, Stephenville, TX (DBP2-02).

6*

Date:

06/26/2015

NO

(1280885)

CN600622716 Classification:

Moderate

Self Report? Citation:

For Informational Purposes Only 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)

30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description:

DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required

timeline.

Date:

08/31/2015

(1280885)

CN600622716 Classification:

Moderate

Self Report? NO

For Informational Purposes Only

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Citation:

Description:

TTHM LRAA MCL 3Q2015 - During the 3rd guarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.123 mg/L

at 1496 CR 318, Stephenville, TX (DBP2-02).

Classification: Moderate

Self Report?

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description:

TTHM DBP2 MCL PN 2Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level

for trihalomethanes during the 2nd quarter of 2015.

Classification:

Moderate

Self Report? NO

For Informational Purposes Only

Citation:

30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)

APR/2015 TCR Routine MR PN Posting and Reporting Violation - Failure to submit Description:

a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform

monitoring for the month of 04/2015.

Appendix B

All Investigations Conducted During Component Period October 02, 2010 and October 02, 2015

Item 1	November 23, 2010**	(877701) For Informational	Purposes	Only
Item 2	November 01, 2013**	(1124070) For Informational	Purposes	0
Item 3	March 17, 2014**	(1156426) For Informational	Purposes	<u> </u>
Item 4	April 21, 2014**	(1163799) For Informational	Purposes	Only
Item 5	September 21, 2015	(1280885) For Informational	Purposes	Only
Item 6	September 25, 2015	(1281097) For Informational	Purposes	Only

^{*} No violations documented during this investigation

^{*} NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

^{**}Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BARTON WATER SUPPLY	§	TEXAS COMMISSION ON
CORPORATION	§	
RN101439172	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2015-1510-PWS-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding BARTON WATER SUPPLY CORPORATION ("Respondent") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

- 1. The Respondent owns a public water supply at 101 Mount Zion Road near Gordon, Erath County, Texas (the "Facility") that has approximately 290 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. During a record review conducted from September 14, 2015 through September 25, 2015, TCEQ staff documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 2 were 0.086 milligrams per liter ("mg/L") for the first quarter of 2015, 0.094 mg/L for the second quarter of 2015, and 0.123 mg/L for the third quarter of 2015, and that public notification was due by August 11, 2015 for failure to comply with the maximum contaminant level ("MCL") for TTHM, based on the locational running annual average, for the second quarter of 2015, but was not provided.
- 3. During a record review conducted from September 14, 2015 through September 25, 2015, TCEQ staff documented that the Respondent did not timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter for the first quarter of 2015.
- 4. During a record review conducted from September 14, 2015 through September 25, 2015, TCEQ staff documented that the Respondent did not provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect routine coliform monitoring samples for the month of April 2015.
- 5. The Respondent received notice of the violations on September 30, 2015.
- 6. The Executive Director recognizes that on July 22, 2015, the Respondent submitted the DLQOR for the first quarter of 2015.

II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average, and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to comply with the MCL for TTHM, based on the locational running annual average, in violation of 30 Tex. ADMIN. CODE §§ 290.115(f)(1) and 290.122(b)(3)(A) and (f) and Tex. Health & Safety Code § 341.0315(c).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 Tex. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).

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- 4. As evidenced by Findings of Fact No. 4, the Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to collect routine coliform monitoring samples, in violation of 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f).
- 5. Pursuant to Tex. Health & Safety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- 6. An administrative penalty in the amount of Three Hundred Thirty Dollars (\$330) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the Three Hundred Thirty Dollar (\$330) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Three Hundred Thirty Dollars (\$330) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: BARTON WATER SUPPLY CORPORATION, Docket No. 2015-1510-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and a copy of the public notification is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122;

- ii. Provide public notification regarding the failure to comply with the MCL for TTHM, based on the locational running annual average, for the second quarter of 2015 and regarding the failure to collect routine coliform monitoring samples for the month of April 2015, and provide a copy of each public notification to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122; and
- iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 Tex. Admin. Code § 290.110.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.;
- c. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 Tex. Admin. Code § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- d. Within 285 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.;
- e. Within 365 days after the effective date of this Agreed Order, return to compliance with the locational running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
- f. Within 380 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

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enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	418/16 Date
I, the undersigned, have read and understand the BARTON WATER SUPPLY CORPORATION. I Order on behalf of BARTON WATER SUPPLY Corporations and conditions. I further acknowledge the penalty amount, is materially relying on such respectively.	ne attached Agreed Order in the matter of am authorized to agree to the attached Agreed CORPORATION, and do agree to the specified at the TCEQ, in accepting payment for the
I understand that by entering into this Agreed C CORPORATION waives certain procedural right formal notice of violations addressed by this Agr right to an evidentiary hearing, and the right to in lieu of an evidentiary hearing. This Agreed O the Commission of the violations set forth in this	ts, including, but not limited to, the right to reed Order, notice of an evidentiary hearing, the appeal. I agree to the terms of the Agreed Orderder constitutes full and final adjudication by
additional penalties, and/or attorney feeIncreased penalties in any future enforce	, may result in: 7; ons submitted; eral's Office for contempt, injunctive relief, es, or to a collection agency; ement actions; ral's Office of any future enforcement actions; by law.
Signature July	11/30/2015 Date
LARRY AUGERHOFER Name (Printed or typed) Authorized Representative of BARTON WATER SUPPLY CORPORATION	PRESIDENT Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.